

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

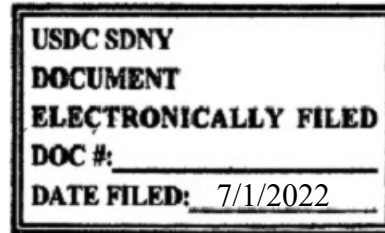
JAMES J. POLIDORO,

Plaintiff,

-against-

THE LAW FIRM OF JONATHAN
D'AGOSTINO, P.C.,

Defendants.



19-CV-1290 (ER) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has once again received an unauthorized *ex parte* communication from the plaintiff, this time in the form of a letter dated June 29, 2022, accompanied by a copy of the transcript of his November 19, 2021 deposition in this action. The letter, which is slightly over three pages long, sets forth matters that the plaintiff believes were "missing or unemphasized" in the Court's Order dated June 23, 2022 (Dkt. No. 145), and in the process makes a number of factual assertions concerning both the claims he makes here and the claims he has made in other lawsuits. The letter concludes with what appears to be a *limine* motion: a request that plaintiff's "litigation outside this matter not be considered by the court, since the issue at hand is D'Agostino's negligence; and exercising my right to litigate matters in our court systems should not be held against me."

Plaintiff was clearly advised, by Order dated October 4, 2021 (Dkt. No. 104), that "[t]he Court will not entertain . . . any other *pro se* applications as long as plaintiff is represented by counsel." Even if plaintiff were representing himself *pro se* in this matter, the Court could not and would not accept an *ex parte* request of this nature from him.

It is hereby ORDERED that plaintiff's June 29, 2022 letter will not be docketed. It will, instead, be forwarded to his counsel of record. Because the letter contains volunteered factual statements by the plaintiff concerning the matters at issue in this action, it is further ORDERED that plaintiff's counsel shall produce the letter to defendant's counsel as discovery. Because this is the second time that plaintiff has attempted to influence the Court by submitting unauthorized *ex parte* communications directly to chambers, it is further ORDERED that any future attempts to do so will result in sanctions.

Dated: New York, New York
July 1, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge